

U.S. Patent Application Serial No. **10/730,258**
Amendment filed April 20, 2007
Reply to OA dated January 25, 2007

REMARKS

Claims 1 and 3-5 are pending in this application. Claim 5 has been canceled herein without prejudice or disclaimer. Upon entry of this amendment, claims 1, 3 and 4 will be pending.

The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **January 25, 2007**.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Theunis et al. (Journal of Invertebrate Pathology, 1999; 73: 255-259). (Office action paragraph no. 1)

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (U.S. 2006/0090220 A1). (Office action paragraph no. 2)

The rejections are moot in view of the cancellation of claim 5 without prejudice or disclaimer.

As claims 1 and 3-4 have been indicated as allowable, Applicant submits that the present application is in condition for allowance.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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